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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,359	08/11/2000	Robert E. Reuter	000519	7892

23464 7590 11/12/2002

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EXAMINER

NGUYEN, CHI Q

ART UNIT PAPER NUMBER

3637

DATE MAILED: 11/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/636,359

Applicant(s)

REUTER ET AL.

Examiner

Chi Q Nguyen

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18, and 52-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17, 18, 55 and 56 is/are allowed.
- 6) ☒ Claim(s) 1-16, and 52-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

Upon receipt of the declarations of Robert E. Reuter, Wallace Bullwinkle, and Charles Rozier under 37 C.F.R. & 1.131, the previous rejection is withdrawn. Further, in view of consideration of new art, new grounds of rejection are presented as following.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-16, and 52-54 are rejected under 35 U.S.C. 102(a) as being anticipated by Hodges (U.S. 5,209,035).

Hodges shows in figs. 1-3 a utility panel system, comprising a rigid frame assembly 22, a facing panel assembly 2, means for mounting the facing panel assembly 64, wherein an unobstructed cavity formed between the rigid frame assembly and the facing panel 2, a crown member 15, a plurality of vertical supports 22, facing panel 2 having top, intermediate, bottom panels 7a-7c, are removably mounted to rigid frame members, means for mounting having top, intermediate, bottom support brackets 64 between frame panels, vertical supports having a plurality of openings for cable or utility wires, a free standing member 4, a base cover 50, 51, utility troughs 8 for communication lines, power lines, etc.

3. Claims 1-6, 11, 13-16, 52-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Tenser (US 4,535,577).

Tenser shows in figs. 2-8, office-paneling system comprising a plurality of vertical support or rigid frames 264 (fig. 8), crown member 258, top, bottom panels 251, 252, a base cover 8, top, bottom mounting means 36 (fig. 2), utility conduit 22, 24.

***Allowable Subject Matter***

4. Claims 17-18 and 55-56 are previously allowed.

The following is an examiner's statement of reasons for allowance: The prior art fail to disclose or render obvious the claimed combination including the crown member having an upper, lower angled, an inclined clamping surface, an up-mount and down bracket as specifically set forth in the claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mollenkipf (US 4,391,073), Ball (US 4,224,769), Johnstonbaugh (US 4,625,477), Breidenbach (US 4,154,419), Rebentisch (US 3,888,440), Cohen (US 3,858,988), Shell (US 3,697,034).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Monday-Thursday (7:00-5:30), Fridays off or examiner's supervisor, Lanna Mai can be reached at (703) 308-2486. The fax number for the organization where this application or proceeding assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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*Chi Nguyen*

CQN  
10/30/02

*Jose V. Chen*  
**JOSE V. CHEN**  
**PRIMARY EXAMINER**